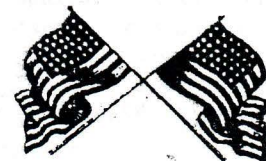




NEW JERSEY MILITIA NEWSLETTER



Volume 1/Issue No. 2

A monthly newsletter

August, 1995

All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

—Article I, Section 1, New Jersey State Constitution

THANKS...

NJM would like to thank all the readers of our newsletter, especially those who copied and distributed our first issue. The response was greater than we had anticipated.

Also, we would like to thank President Clinton, her husband, Bill and, especially, Janet Reno. Without them, the Militia and Patriot movements in the United States would be growing at a much slower rate.

Their usurpation of our Constitution and Bill of Rights has awakened many Americans to the dangers of lawless government. So much so that in a recent CNN poll, 52% of the American people said they feared the Federal government.

There is no need for Militia and Patriot groups to have a membership campaign; the federal and state governments are doing that for us. Every time an American citizen is victimized by forfeiture laws, the FBI, BATF, DEA, EPA, IRS and a host of other government agencies, a new patriot is born.

NJM would also like to thank our legislators in Trenton for their efforts in swelling the ranks of the Militia and Patriot groups here in New Jersey. Their butchering of the 2nd, 4th, 5th, 6th, 8th and 14th Amendments has awakened many Jersejans to the dangers of "Deprivation of Rights Under the Color of Law." Thank you, Mr. & Ms. legislator in Trenton; without you, there would not be a Militia in N.J. And let's not forget all our county prosecutors. Their enforcement of unjust and unconstitutional forfeiture laws has been a big help also.

NJM would like to thank all the above mentioned government officials for doing an outstandingly lousy job in securing our rights guaranteed under the Constitution!!!



OUR GOALS

The purpose of the *NJM Newsletter* is to inform and educate the citizens and voters of New Jersey how our Constitutional rights have been usurped on federal and state levels by bad laws that are creating synthetic felonies which in turn have given the United States the highest prison population on earth.

The *NJM Newsletter* will cover these and many other issues in the future. We will make every effort to inform the citizens of New Jersey of their rights under the Constitution and the Bill of Rights, the proper role of elected officials (our servants) to secure those rights, and the measures we must take to restore liberty.

THE LAW: THE POLICE ARE NOT THERE FOR YOU

State and city governments, rather than the Federal authorities, are responsible for local law enforcement. So, only occasionally have Federal Courts ruled on the matter of police protection.

However, in 1856 the U.S. Supreme Court declared that local law enforcement had no duty to protect a particular person, but only a general duty to enforce the laws. [*South v. Maryland*, 59 U.S. (HOW) 396, 15 L.Ed., 433 (1856)].

The Fourteenth Amendment to the U.S. Constitution gives you no right to police protection. In 1982, the U.S. Court of Appeals, Seventh Circuit, held that:

"...there is no constitutional right to be protected by the state against being murdered by criminals or madmen. It is

monstrous if the state fails to protect its residents against such predators but it does not violate the due process clause of the Fourteenth Amendment or, we suppose, any other provision of the Constitution. The Constitution is a charter of negative liberties; it tells the state to let people alone; it does not require the federal government or the state to provide services, even so elementary a service as maintaining law and order." [*Bowers v. DeVito*, U.S. Court of Appeals, Seventh Circuit, 686 F.2d 616 (1982). See also *Reiff v. City of Philadelphia*, 741 F.Supp. 1262 (E.D.Pa. 1979)].

There are a few, very narrow exceptions. In 1983, the District of Columbia Court of Appeals remarked that:

"In a civilized society, every citizen at least tacitly relies upon the constable for protection from crime. Hence, more than general reliance is needed to required the police to act on behalf of a particular individual, ...Liability is established, therefore, if the police have specifically undertaken to protect a particular individual and the individual has specifically relied upon the undertaking....Absent a special relationship, therefore, the police may not be held liable for failure to protect a particular individual from harm caused by criminal conduct. A special relationship exists if the police employ an individual in aid of law enforcement, but does not exist merely because an individual requests, or a police officer promises to provide protection." [*Morgan v. District of Columbia*, 468 A2d 1306 (D.C.App.1983)]

As a result, the government -- specifically, police forces -- has no legal duty to help any given person, even one whose life is in imminent peril. The only exceptions are a person who:

■ has helped the police force

- (e.g., as an informant or as a witness)
- can prove that he/she has specifically been promised protection and has, as a result, done things that he/she otherwise would not have done.

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WHY WE SHOULD FIGHT FORFEITURE LAWS

By John Paff

Suppose your son borrows your car to take some friends bowling. Unbeknownst to your son, one of the friends previously arranged to buy drugs at the bowling alley. The police, tipped off to the buy, arrest the friend and the dealer. Your son is not arrested, but your car is confiscated. The county prosecutor offers you your car back for \$1,000. After conferring with your lawyer, you grudgingly agree to the deal.

Hey, what just happened? Why should you have to pay? You understand why your son's friend and the dealer were arrested, but what justifies the seizure of your car when neither you nor your son committed a crime?

Unfortunately, the state doesn't need to justify its actions. In fact, under the above circumstances, the burden would be on you to prove yourself innocent in court! According to the law, you would have to prove two things to secure the release of your car. First, you would have to prove that, as owner of the car, you were not involved in or aware of the drug buy. Second, you would have to convince the court that you did "All that could reasonably be expected" to prevent your car from being used to facilitate the crime. (If you think I'm making this up, read the statute -- N.J.S.2C:64-5(b)). After learning how considerably the deck is stacked against you, and after calculating the time and expense involved in getting the case before a court, you would likely bow to the prosecutor's demands.

For the sake of argument, suppose that you did wish to contest the seizure of your car. You'd be in for the fight of your life. Here are a few of the problems you would likely run into:

1. The prosecutor has ninety days from the date of seizure to decide whether or not he wishes to file a forfeiture complaint seeking title

to your car. Suppose the prosecutor doesn't really want your car, but desires to punish you for refusing to pay his \$1,000 ransom. He would simply make you wait the full ninety days before releasing your car to you.

2. Suppose he actually wants your car and wants to punish you, too. Then he would file the forfeiture complaint against your car on the eighty-ninth day after seizure (notice that he files the complaint against your car, not you. Your case will be known as State of New Jersey v. One (1) 1990 Acura Legend).

3. You now have to file an answer. Meanwhile, the prosecutor files a motion asking the court to let him use the car for "law enforcement purposes" during the pendency of the action. The court consents to this because the forfeiture statute (N.J.S. 2C:64-3(h)) says that such "approval shall be liberally granted." Alright, now your case is pending and the local police are using your car to teach rookies how to drive around traffic cones at high speeds. Had enough?

4. Now your case comes up for trial. But it's not really a trial, it's called a "summary hearing." This means that there is no jury of your peers. The case is decided by a single judge. Judges are typically less sympathetic than juries.

5. During the hearing, you might try to impress the judge with your knowledge of Constitutional law. You might try to argue that confiscation of your valuable car is a penalty so disproportionate to your insignificant involvement in the crime that the seizure violates the "cruel and unusual punishment" provision of the Eighth Amendment. Forget it. The judge will politely remind you that *your car* is on trial, not you, and that cars don't have constitutional rights.

6. During the year or two that elapses while the matter is working its way through the courts, you still have to make your car payments. And if your car insurance policy lapses, your bank or finance company will purchase insurance to protect their investment in the car and add the premiums to your payments. If you don't pay, expect to be sued. Have you had enough yet?

Not surprisingly, law enforcement officials enthusiastically embrace the forfeiture statute. For good reason--there's lots of money in it for them. For example, Somerset County Prosecutor Nicholas Bissell's office kept \$1,466,697 worth of cash and property seized in 1990. And, according to an article in the June 22, 1992 *New Jersey Law Journal*, Monmouth County Prosecutor John Kaye's office seized 400 cars during a two month period last year (Kaye then let the owners buy them back for \$750 to \$1,000 apiece). From a prosecutor's

perspective, forfeitures bring forth an abundance, almost an embarrassment, of wealth providing them with independence from stingy taxpayers and budget-conscious elected officials.

But the prosecutors have been getting greedy. Not content with a couple hundred cars, some prosecutors have been going after land, commercial buildings and even residences. For example:

Bergen County Prosecutor, John J. Fahy, filed a forfeiture complaint against Angel Hernandez's Hackensack building because Hernandez was caught selling Dominican Republic lottery tickets in his store, located in the building. Hernandez was reported to be making about \$80 per week selling the tickets.

My neighbor's \$200,000 home and \$70,000 bank account were confiscated by Somerset County Prosecutor Bissell after my neighbor was discovered growing a few marijuana plants in his backyard. Even though there was no evidence that any of the marijuana was sold (my neighbor to this day maintains that it was for his personal use), and even though it was his first offense, the prosecutor saw fit to financially decimate my neighbor by confiscating his home and his legally earned life savings. His case is currently before the Appellate Division of the Superior Court.

Mark and Kathy Schrama were accused of stealing U.P.S. packages from neighbors' porches. Naturally, the Sussex County prosecutor padlocked their residence, forcing the Schramas and their 12 year old son into the street 11 days before Christmas. The prosecutor felt that since the family home was used to "warehouse" the packages, it was subject to forfeiture. The Schramas eventually bought their home back from the county for \$5,000.

After interviewing dozens of forfeiture defendants and reading hundreds of reported forfeiture cases, I've determined forfeiture to be nothing more than an unprincipled engine of tyranny. Together with scores of other people around the country, we've formed an organization dedicated to reforming forfeiture laws. We've named our organization F.E.A.R., which stands for Forfeiture Endangers American Rights.

We are not seeking to have forfeiture laws repealed. F.E.A.R. believes that the owner of property that the government seeks to confiscate should get the same level of constitutional rights afforded to an accused burglar, murderer or any other criminal defendant. We believe that judges, by abandoning their duty to safeguard the Constitution, have allowed police, prosecutors and DEA agents to run roughshod

"I have heard of patriotism in the United States, and I have found true patriotism among the people; but never among the leaders of the people."

--Alexis de Tocqueville
Democracy In America, Vol. I, Page 267

over the people. We believe that this is WRONG, and we are doing something about it.

So far, we've been successful in getting Assembly Bill No. A627 introduced in the New Jersey Legislature. This bill will make some minor, positive changes in the forfeiture law, but it doesn't go nearly far enough. To make more substantial changes, we need the support of those who still believe in the Constitution.

Any reader wishing to receive more information, call me at (415) 388-8128 or write to F.E.A.R., 265 Miller Ave., Mill Valley, CA 94941

[NJM supports F.E.A.R. in everything but its goal to reform the civil asset forfeiture statutes. We seek to abolish them because of their corrupting influence on the police. Nearly every police agency has been tainted by forfeiture. Some police departments even steer arrests to valuable property so that they can seize it and keep the booty. If we are to restore justice to the law we cannot permit the police to behave like buccaneers and Sheriffs of Nottingham.]

ROMANS XIII

An oft quoted and widely misunderstood passage of scripture is Romans 13:1-2 which states:

"Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God."

Whosoever therefore resisteth the power, resisteth the ordinances of God: and they that resist shall receive to themselves damnation.."

The consequences of these verses vary from nation to nation according to type of government in place. Many Christians in America, because of a lack of knowledge of the Constitution, misinterpret these verses.

It was "We, the People" that formed the Constitution. The Constitution, in turn, formed our Federal government. Therefore, the Federal government is subservient to the Constitution, the Constitution is subservient to "We, the People." The higher powers and powers that be in our form of government are the people themselves, not our government.

Our founding fathers understood this principle when they penned the Constitution. Abraham Lincoln understood this when he said:

"This country, with its institutions, belong to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their Constitutional right of amending it, or their revolutionary right to dismember or overthrow it."

This statement would be considered treasonous in other nations with governments that differ from our own, but perfectly legitimate in our form of government. We, the people, will always have the Scriptural and

A STANDING ARMY, THE BANE OF LIBERTY

"What, sir, is the use of a militia? It is to prevent the establishment of a standing army, the bane of liberty."--Rep. Elbridge Gerry of Massachusetts. *1 Annals of Congress* at 750 (August 17, 1789)

FORKED TONGUES? President Clinton wants a law that would "permit the military to provide technical assistance to Federal law enforcement officials [which] could include assistance in investigations in conducting searches, in evidence collection, and in disarming and disabling individuals, but would not include authority to arrest." When asked about the need to amend the 1878 Posse Comitatus Act so that the military could participate in law enforcement Gen. Reimer told the Senate Armed Services Committee that "as a general rule the military should not be involved in traditional enforcement functions." Janet Reno, the Attorney General, stated that she just wanted access to military equipment and expertise and that she had not been able to use "military personnel by contract or other means." *Inside the Pentagon*, May 11, 1995 [NJM: Reimer is the Chief of Staff of the Army; he was the top field commander in the US at the time of the Waco incident; his Joint Task Force 6 trained BATF agents prior to the deadly assault. Reno had at least one retired Army helicopter pilot recalled to duty specifically for the Waco attack.]

THINK BIG. Dep. CIA Dir. Adm. William Studeman likes Clinton's proposal to expand the role of the military. The Admiral told the National Defense University that he has "advocated the erosion of Posse Comitatus for years" and that it is necessary for the military to "take on new dimensions". The problem with law enforcement, he says, is that it only thinks in terms of "investigations, arrests, and prosecutions." *Inside the Pentagon*, May 18, 1995 [NJM: Isn't it unlawful for the CIA to operate inside the country?]

PAY THE PIPER. For the first time in its 46-year history the Defense Department is asking for funds to train National Guard and active duty soldiers and airmen together in preparation for domestic emergencies. In an address to the World Affairs Council May 3, Deborah Lee, the assistant secretary of defense for reserve affairs, endorsed the department's position that response to such emergencies is an important element of national security. The National Guard Association also wants the Federal government to pick up the tab. *Defense News*, May 15-21, 1995

Constitutional Right to resist usurpation by our government. The government on the other hand, has neither authority.



H.R. 169

On January 4, 1995, Representative Collins of Illinois introduced H.R. 169, titled, "Handgun Registration Act of 1995"

It dictates that every state "require each individual who owns, possesses, or controls a handgun in the state to register such handgun:

- 1) with a state law enforcement agency and
- 2) within 90 days after such effective date."

A "non-serious violation" carries a one year prison term. A "serious violation" carries a 12 year minimum prison sentence.

Section 3-A states that "the Attorney General shall establish a Federal handgun registration system which contains, in an easy

retrievable record, information sufficient to identify:

- 1) each resident of each state to which this subsection applies, who owns, possesses, or controls a handgun and
- 2) such handgun.

Full registration of firearms is not a new idea. Adolph Hitler, in a speech given in 1935, said, "This year will go down in history. For the first time, a civilized nation has full gun registration. Our streets will be safer, our police more efficient; and the world will follow our lead into the future."

If you study the Nazi Weapons Law of 1938, and compare it to many of the current H.R. and Senate bills being considered in Washington, the similarities are alarming.

Equally alarming is the fact that many of our politicians calling for gun control are telling the American people what Hitler told the German people 60 years ago.

MAKE YOUR SHERIFF NUMBER ONE!

The NJM fully supports peace officers who uphold their oath of office and thereby refuse to enforce unconstitutional statutes. We maintain that the highest ranking peace officer in the county is the sheriff, who is elected by the people for a 3-year term. The New Jersey legislature, however, has emasculated the sheriff and subordinated him to the county prosecutor who is in reality a state prosecutor who is appointed to a 5-year term. He serves entirely at the pleasure of the attorney general who is in turn an appointee of the governor. Thus the peace officer, the sheriff, has been overshadowed by the law enforcement officer, the county (state) prosecutor. One is elected by the people, the other is a political appointee. One is accountable to the people, the other is not.

We believe that the harassment and lawless killings of innocent people by Federal police at Ruby Ridge, Waco and elsewhere around the country would not have happened had the perpetrators worked through the county sheriff. Because the FBI and BATF will probably not cease their murderous activity voluntarily we endorse US Rep. Chenoweth's Sheriff Check-off bill (number not yet assigned) which is based on Hamilton's observation that "Where the whole power of the government is in the hands of the people, there is the less pretense of the uses of violent remedies in partial or occasional distempers of the State." *The Federalist Papers*, #21

To check such distempers Mrs. Chenoweth's bill, also known as the Civil

Rights Act of 1995, would require Federal law enforcement agents to obtain written permission from the local sheriff before making an arrest or search (except for crimes in commission, when people are in imminent danger or when the sheriff is under investigation). Specifically the Federal official would have to provide in writing the name of the person to be arrested or searched, a clear statement of the probable cause for the action or a federal warrant, and the location, date and time of the action and, when applicable, a description of the property sought. The sheriff could refuse permission for good cause. Permission would be valid for 48 hours, and would have to be renewed at 48 hour intervals thereafter. Official duty could not be used as an excuse for violations, and anyone aggrieved could file a civil action to obtain appropriate relief.

The bill, we believe, would reduce Federal bloodshed, and is entirely in the spirit of the Tenth Amendment: "The powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States respectively, or to the people." Clearly the state and counties must have the power to control federal marauders within their borders. The Chenoweth bill is a step in that direction.

Write your representative today at the House of Representatives, Washington, DC 20515, and urge him or her to co-sponsor the Chenoweth bill. Also contact Senators Bradley and Lautenberg at ZIP 20510 and ask that they introduce the measure in the Senate.



DUAL AIRBAGS

COMMENTS FROM YOU:

I would like a membership application or information on how to join and train for the NJ Militia to defend against tyranny.

J. C.. Cumberland County

I have recently recieved in the mail a copy of the Militia Newsletter, and I am in agreement with every word printed therein. Please continue to keep me informed for I am a firearms owner and a free man ready for any action necessary to be undertaken by this State's citizens in order to maintain our freedom and defend our God given Constitution.

Also, please send me additional copies of this Newsletter as I am able to influence many people in my area. Here is a gift of \$10. May God bless the Militia. Thank you.

J.P., Ocean County

Please include me on your mailing list. Education about our history is vital to the future.

R.S., Camden County

Please send info on your group. Nice to see America is growing stronger. Thanks

D.R., Cumberland County

"IN THE BEGINNING OF CHANGE, THE PATRIOT IS A SCARCE MAN; BRAVE, HATED AND SCORNE. WHEN HIS CAUSE SUCCEEDS, HOWEVER, THE TIMID JOIN HIM, FOR THEN IT COSTS NOTHING TO BE A PATRIOT."

--MARK TWAIN

The New Jersey Militia needs your support!! We plan to follow Thomas Jefferson's ideal to "educate and inform the whole mass of the people..."

We want to hear from you! Send your comments, suggestions, personal stories and donations to address below:

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United Nations—Friend or Foe?

The United Nations is praised by the media, the public school system and the Federal government as “the last, best hope of mankind”, an institution that will bestow upon humanity “freedom from war”ⁱ. But a look beneath the surface reveals something entirely different—a tyrannical, grasping and anti-human machine that seeks to largely depopulate the earth and permit the survivors to live only in restricted areas. Strong words perhaps. Let’s examine the charges one by one--then you decide.

Tyrannical? The UN’s Covenant on Human Rights is merely a list of privileges. Art. 13 permits freedom of religion “subject to limitations prescribed by law.” Art. 14 grants the privilege to impart ideas “subject to certain penalties, liabilities and restrictions”. The concept of rights is foreign to the UN, which was deliberately designed so as to concentrate all power in an omnipotent government “for the good of humanity”. Unfortunately unchecked power has been shown to result in fatal consequences, in accordance with the “Power Principle: power kills and absolute power kills absolutely.”ⁱⁱ

Grasping? The UN has already laid claim to 43.6 million acres in the U.S. under the Biosphere Reserve Program. It has also designated the Wildlands Project as the model for “biological diversity”.ⁱⁱⁱ That project, conceived by a board member of the Sierra Club, is working to return “at least 50 percent” of America to “core wilderness areas” where human activity is barred. Core wilderness areas are to be connected by miles-wide corridors surrounded by “buffer zones” in which limited human activity may be permitted. In both the core areas and buffer zones “the collective needs of non-human species must take precedence over the needs and desires of humans.” Thus humans will be mainly confined to 25 percent of the land. For now the UN is content with the other 75 percent.

Anti-human? In 1947 Julian Huxley, the first Director-General of the UN Educational, Scientific and Cultural Organization, wrote, “Thus even though...any radical eugenic policy will be for many years politically and psychologically impossible, it will be important for UNESCO to see that... the public mind is informed of the issues ...so that much that now is unthinkable may at least become thinkable.”^{iv}— Translation: the “educational” arm of UNESCO must condition the public to accept the idea that mating should be controlled by the UN.

In a 1994 UNESCO publication Jacques Cousteau stated: “It’s terrible to have to say this. World population must be stabilized and to do that we must eliminate 350,000 people per day. This is so horrible to contemplate that we shouldn’t even say it.”^v-- Translation: authoritarian people hiding behind an environmental mask hope to reduce the population by 125,000,000 per year. To put this in perspective governments in this century have murdered 169 million^{vi}, exclusive of battle dead, or 1.7 million per year on average. The UN’s “scientific” arm is promoting the elimination of sixty-five times that number for an indefinite period! Will our families be among them?

An indication of the UN’s pitilessness was its 1990-96 ban on Iraqi oil sales. Denied the money with which to purchase food and medicine an estimated 30,000 Iraqi children died per month. Not quite Cousteau’s 350,000 a day, but a start.

Who will protect the people from this monster?

The Federal government? You decide: USAID, the Department of the Interior, the IMF and World Bank (both US-funded) all work hand in glove with the UN. The State Department alone has transferred \$95.3 billion to that body, as of 1993.--The armed forces, won’t they defend the people? You decide: the military is to be completely disarmed and replaced by a UN Peace Force [standing army]^{vii}. Despite that U.S. soldiers are blissfully taking orders today under a Finnish UN general in Macedonia.--The National Guard? You decide: it has been totally federalized. Governors have used it against the people as when guardsmen killed four students at Kent State.--The police? You decide: the federal police apparently will serve any master who will not indict them. As to local police they can be federalized, as were the Texas Rangers during the Waco incident.

If the government, the armed forces, the National Guard and the police either will not or cannot protect the people, who will?

ⁱ Department of State Publication 7277, *Freedom from War: The United States Program for General and Complete Disarmament in a Peaceful World*, 1961

ⁱⁱ R.J. Rummel, *Death by Government*, xvi

ⁱⁱⁱ UN Environmental Programme, *Global Biodiversity Assessment*, Sect. 10.4

^{iv} William F. Jasper, *Global Tyranny... Step by Step*, 165

^v *UNESCO Courier*, Nov. 1994, 13

^{vi} R.J. Rummel, *Death by Government*

^{vii} *Freedom from War*, 10

The Trenton Crier

(Trenton, NJM News Service)

On December 26, 1776, dawn in Trenton came in the midst of a driving storm of snow and rain which had been raging nearly all night. After having passed a festive evening on December 25, the jovial Hessian commander, Colonel Rall, it seemed, was intending to begin the following day with the not unaccustomed luxury of a long morning sleep.

His chief subordinate, Major von Dechow was apparently in a similarly relaxed holiday mood. Even the Jager post stationed at General Dickinson's house some distance from the village up the river road caught the pleasant infection of the season and confined its patrolling to a detachment of three men. after all, it was a holiday; and in such blustering weather what was there to fear from the half-naked Continentals huddling beyond the swirling Delaware and its drifting cakes of ice?

The Christmas atmosphere had been jarred when a picket of sixteen men stationed just outside the town on the Pennington road was fired upon by a wandering party of Americans. The attackers, however, withdrew quickly into the woods, leaving no trace, and Rall dismissed the affair as of no importance.

Meanwhile, throughout that long, cold night, Glover's regiment of Marblehead fishermen had battled the swift current of the Γ floating cakes of ice, the high wind, and the driving snow to transport Washington's force—perhaps twenty-four hundred strong—with its horses and artillery from Pennsylvania to New Jersey. Chilled and weary, but grimly determined, the Americans had begun their advance from McConkey's Ferry at about four in the morning; and at eight o'clock, marching in two columns along the

river road and the Pennington road, they arrived at the Hessian outposts.

The men who had passed so disagreeable a night were in no mood for trifling. Fiercely they swept back into the town the little picket and two other outlying detachments stationed nearby. Before they had time to organize any resistance, the American forces deployed across the road leading to Princeton and New Brunswick, and, extending themselves to the bank of Assanpink Creek, cut off retreat to the northward. At almost the same time, the column on the river road, commanded by General Sullivan, bore down upon the Jager outpost, and drove this detachment back to Trenton and across the one bridge spanning Assanpink Creek at the southern end of the village. After a sharp fight in the town, part of Sullivan's force crossed the bridge and set up a battery of artillery on the heights beyond the creek, where it effectually intercepted any retreat along the road to Burlington.

Meanwhile the Hessians in the town were thrown into the greatest confusion. Rall attempted to assemble his troops but, a battery of American artillery which had been placed at the northern end of the village began to rake the two principal streets. Rall's men, demoralized by the strain of the recent

weeks and by the suddenness of the assault, responded but half heartedly; and the Americans, in a fierce charge, captured the only two Hessian cannon which had been brought into play and forced to enemy out of the village to the low grounds bordering Assanpink Creek.

From this point the Hessians made a desperate counter-attack upon the village; but the American marksmen, now sheltered in houses and behind fences, shot through the

flying snow and rain and the drifting smoke of battle with deadly effect. Rall ordered his men to retreat to an orchard near the creek; but before this movement was completed he fell from his horse, mortally wounded.

With their commander removed from action and their force nearly encircled, the von Lossberg and Rall regiments had no choice but to surrender. At almost the same time, the third regiment, that of Knyphausen, which had been fighting at the southern end of the village, was captured while making a vain attempt to escape across the Assanpink. The short battle was over, and one of the most important British outposts had fallen

with but feeble resistance into the hands of the despised Americans.

More than 900 Hessians, officers and men, were made prisoners either at the surrender or in a later search of the village; and 106 had been killed or wounded in the engagement. Only about 400 of the garrison escaped capture. In contrast, the losses of the Americans, according to Washington, were "very inconsiderable, not more than a private or two killed" and a few men wounded. The cost of their victory did not become apparent until after the chilled and exhausted troops had returned to the Pennsylvania shore; on the next day, it is said, over a thousand of them were reported unfit for duty.

Prior to the battle, a Hessian officer wrote that his men "were so frightened when they were to patrol that hardly any of them were willing to venture it without infantry, for they never went out patrolling without being fired upon, or having one wounded or even shot dead."

Among the many factors which entered into Washington's victory of December 26, not the least important was the constant harrying tactics of the militia and irregulars, which succeeded in unnerving Rall's soldiers.

